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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/570,131

03/01/2006

Yorozu Ochi

0037-0230PUS1

7206

2292 7590 01/09/2007
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EXAMINER

YIP, WINNIE S

ART UNIT

PAPER NUMBER

3636

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
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3 MONTHS

01/09/2007

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 01/09/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/570,131

Applicant(s)

OCHI, YOROZU

Examiner

Winnie Yip

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>3/1/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is a first office action.

Drawings

1. The drawings were received on March 1, 2006. These drawings are approved.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regard claims 1-8, the scope of the claimed invention is not clear because of it lacks a transitional phrase of either "comprising" or "consisting of", etc., as to define the scope of a claim with respect to what unrecited additional components or steps, if any, are excluded from the scope of the claim.

In claim 1, the terms "the outer peripheral shape" (line 4) and "the upper portion of the poles" (line 6) lack a proper antecedent basis. They should read, for example, "an outer ..." and "an upper ..." respectively.

In claims 4-5 and 7, the limitation "regarding the connection" (line 1) lacks an insufficient antecedent basis. There is no "connection" between the poles and the reinforcement frames and the center pole has been previously defined in claim 1.

Appropriated correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3 and 5-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Seo (US Patent Application Publication No. 2005/0028856).

Seo shows and teaches a collapsible tent comprising: a four of telescoping pole (12), a plurality of frames connected to the poles, the frames comprising four outer peripheral frames (16) form an outer peripheral shape of a polygon, the polygon being a rectangle, four reinforcement frames (20) disposed inside of and surrounding by the outer peripheral frames, a center pole (18) supported by the reinforcement frames, each of the outer peripheral frames comprising at least two pairs of combined pipe units (24/U', 24/I, 24U") pivotally connected between two neighboring poles, each reinforcement frame (20) comprising two pairs of combined pipe units (52/58I) pivotally connected between the center pole and the outer peripheral frame, each pair of combined pipe units of the peripheral frames and of the reinforcement frames having two unit pipe bodies (26/26; 54/54) being pivotally connected together with at least two

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intersecting points (28, 28; 56,56) and a folding point (40; 60) therebetween respectively, each pair of unit pipe bodies being connected together at the folding point to allow rotation, each reinforcement frame having one end connected to the center pole and another end connected at the folded points of the outer peripheral frame such that the outer peripheral frames and the reinforcement frames are foldably connected by changing the angle of the pipe units, wherein a covering (no show) inherently supported by the poles and the frames.

6. Claims 1-5 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Byun (US Patent No. 6,929,017).

Byun shows and teaches a collapsible tent comprising: a plurality of telescoping pole (1), a plurality of frames connected to the poles, the frames comprising a plurality of outer peripheral frames (30, 30') form an outer peripheral shape of a polygon and a plurality of reinforcement frames (20, 20') disposed inside of the outer peripheral frames, a center pole (5), each outer peripheral frames comprising two pairs of combined pipe units (31, 32) pivotally connected between two neighboring poles, each reinforcement frame (20 or 20') comprising two pairs of combined pipe units (13, 16) pivotally connected between the center pole and one of the telescoping pole, each pair of combined pipe unit of the peripheral frame and of the reinforcement frame having two unit pipe bodies (23, 24; 14,15) being pivotally connected together to form with two intersecting points and a folding point therebetween to allow rotation such that the outer peripheral frames and the reinforcement frames are foldably connected by changing the

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angle of the pipe units, and a covering (no show) inherently supported by the poles and the frames, and at least two connection points on the upper side of the reinforcement pipe units with respect to the center pole which are substantially higher than two connection points on the lower side of the reinforcement pine units with respect to the poles,

Regard to claims 4-5 and 7, Byun teaches each of the reinforcement frame having two connection points formed at a connection between the poles and the reinforcement frame via brackets (2, 3) by support pins, and two connection points formed at a connection between the center pole and the reinforcement frame via brackets (6, 7), wherein one of the two connection points (3, 7) is slidable and rotatable with respect to the pole and the center pole, and another one of two connection points (2, 6) is not slidable but rotatable with respect to the pole and center pole such that the connection allows to have a play for movement within a specific range as claimed.

7. Claims 1-3 and 5-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Liu (US Patent No. 6,598,614).

Liu shows and teaches a collapsible tent comprising: a plurality of telescoping pole (1), a plurality of frames connected to the poles, the frames comprising a plurality of outer peripheral frames (2-5 sets) form an outer peripheral shape of a polygon, the polygon being a rectangle, a plurality of reinforcement frames (6) disposed inside of and surrounding by the outer peripheral frames, a center pole (7), each of the outer peripheral frames comprising two pairs of combined pipe units (2, 3) pivotally connected

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between two neighboring poles, each reinforcement frame (6) comprising two pairs of combined pipe units (61/ 62, 63/64) pivotally connected between the center pole and the outer peripheral frame, each pair of combined pipe unit of the peripheral frame and of the reinforcement frame having two unit pipe bodies (21/51, 22, 23/52, 31/41, 33, 32/42, 61/62, 63/64) being pivotally connected together with at least two intersecting points and a folding point therebetween, each pair of unit pipe bodies being connected together at the folding point to allow rotation such that the outer peripheral frames and the reinforcement frames are foldably connected by changing the angle of the pipe units, and a covering (no show) inherently supported by the poles and the frames.

Allowable Subject Matter

8. Claim 8 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Citations

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

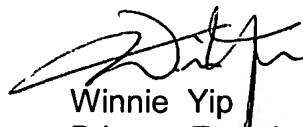
Carter '425, Carter '872, Jang '640, Suh '858, Japanese Patent No. 2001-3604, Japanese Patent No. 2003-227249, French Patent No. 2,849,668, and Hagler et al. '713 teach various tents having a center pole supported by a plurality of reinforcement frames and a plurality of outer peripheral frames supported by poles and surrounding the reinforcement frame as similar to the claimed invention.

Inquiry Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Winnie Yip whose telephone number is 571-272-6870. The examiner can normally be reached on M-F (9:30-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Dunn can be reached on 571-272-6670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Winnie Yip
Primary Examiner
Art Unit 3636

approved
1/29/06

REPLACEMENT SHEET

FIG 16

PRIOR ART

